
From: Trent Berhow [berhow@longlines.com]
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To: Risk Based Inspection
Subject: Comments on Topics on Risk-Based Inspection

[These concerns were forwarded to me by a concerned inspector:](#)

To say that NR's will accurately reflect the risk a plant may pose is a bit like saying that you can tell how risky a stretch of highway is by reviewing the highway patrol citations issued there.

Some reasons that NR's are not good indicators:

I know of an inspector who was going to have one of his plants reviewed and was told by his supervisor, "Clean that place up, but don't write NR's." In other words, the supervisor knew the plant was bad, but didn't want a paper trail showing it.

In another instance, CSI's were asked if they knew the difference between a HACCP 01 and 02 procedure. 0-10% did, depending on location. Our PBIS task schedules are generated to cover all aspects of food safety based on a mathematical model. If the inspector in the field is not doing the task described, it is possible that some aspects of the plant's food safety execution are never checked. This situation has improved with FSRE training, but "subject matter experts" still argue for hours over what task a non-compliance is recorded under, and whether it is an NR at all.

On the kill floor most plants use a zero tolerance for fecal contamination as a CCP. If there is an additional CCP, it is often the strength of the organic acid being sprayed on the carcasses. Plants do not consider carcasses loaded with cancer, parasites, or other pathology to be a food safety hazard under the HACCP system. Fortunately these carcasses are still 100% inspected by USDA personnel. I believe the public would consider this a food safety matter.

In some instances where plants have falsified records, there have been almost no consequences. If you ask any inspector, s/he will tell you of at least one plant where "pencil whipping" records occurs commonly. The inspector must rely on the accuracy and timeliness of these records to do a number of the PBIS food safety tasks. I have personally observed a plant filling out the entire day's operational sanitation form (everything acceptable) prior to start of operations. I reported this to the Frontline Supervisor and he asked if it had happened before. I said yes, another inspector had caught this four months earlier. He replied that this was too far apart to show a pattern and I should write the NR and they could consider themselves warned.

As the HACCP system has developed, it has been massaged and managed to the point where it is nearly unrecognizable. For instance, if a plant fails to meet a Critical Limit, we were trained to assume that the safety of the product produced at that time could no longer be verified. We would write the NR and tag the product (regulatory control action.) Now we are being told that unless we have knowledge that the product was adulterated, we are not to tag it. However, if we write an NR and do not issue a tag, we have to write a report to our immediate supervisor explaining why a control action was not taken. Being caught in the middle like this has badly demoralized some inspectors. They are now in the mode where they tell the plant, "Fix it now and you won't get an NR." The consumer is protected, but there is no record of the non-compliance.

Most HACCP plans are fairly simple documents (1-2 pages). They do not and can not anticipate all the things that can go wrong in a plant. When these exceptions occur, there is often no good way to enter them into the system. An inspector might find something that jeopardized food safety, but have no clearly delineated process to record it. Phone calls to the Technical Service Center, Frontline Supervisor, and EIAO's might elicit disparate answers. In these nebulous areas, the plant will often appeal the NR. If you wrote the NR as your immediate supervisor told you to, s/he will usually uphold it. This does not mean that your supervisor's supervisor will. Usually they won't if they offered contrary advice. This is demoralizing. The best and most conscientious inspectors are the ones that notice these flaws. They write these "risky" NR's and are consequently overturned the most. Having your NR's frequently overturned tends to paint an unfavorable picture, so the inspector will "adjust" his activities to be congruent with others. The system as administered has a terrible leveling effect with the lowest level seen as the most desirable

In my opinion, a root cause for many of these problems is that HACCP is a bureaucracy masquerading as science.

"Sanitation NR's don't reflect food safety problems, they reflect sanitation problems."

This is a classic industry attitude. They can't see why producing food in a filthy environment is a food safety hazard. How can

anyone say this with a straight face? This mind-set is probably the greatest problem that inspectors face.

Most processing inspectors enter plants as the sole FSIS representative. Inspectors that conscientiously apply government regulations are seen as a pain. Any accusations against the inspector by industry are deemed as proven unless the inspector can prove they are not true. I observed one inspector who took as many regulatory control actions as the other 5 inspectors on the circuit combined. Industry made no secret of their hatred of this inspector. They produced a list of 7 charges against this inspector. The union was able to prove that 6 of them were outright lies. We could not prove the seventh was and she was fired. The state unemployment agency granted her unemployment since they found she was fired through no fault of her own. (Small consolation for losing a 20 year career!) How many regulatory control actions do you think the other inspectors will take now?

This is strictly opinion but it is widely shared- the agency is primarily concerned with firing as many of these "troublemakers" as possible while we still have an administration that hates federal employees.

As for Team Inspection, we have asked and asked, but have never received an adequate explanation as to what it is. In my opinion, it will have little to do with food safety, but will be used to justify the huge number of management positions (that have no reason to exist otherwise) and to push through offensive rules that couldn't be won at the bargaining table.

Trent J. Berhow,

Kiron, IA